

AMENDED IN SENATE AUGUST 28, 2006

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AMENDED IN ASSEMBLY MAY 26, 2006

AMENDED IN ASSEMBLY APRIL 18, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 3038**

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### **Introduced by Assembly Member Ruskin**

February 24, 2006

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An act to amend Sections 14507.5 and 14581 of the Public Resources Code, relating to public resources.

#### LEGISLATIVE COUNSEL’S DIGEST

AB 3038, as amended, Ruskin. Public resources: community conservation corps.

(1) Existing law defines a “community conservation corps” as a nonprofit public benefit corporation or an agency operated by a city or a city and county that satisfies specified requirements including having not less than 50 corpsmembers.

This bill would, instead, require the nonprofit public benefit corporation or agency to have an average annual enrollment of not less than 50 corpsmembers between 18 and 25 years of age. The bill would require a nonprofit public benefit corporation or agency to comply with the specified requirements in order to be considered as a community conservation corps. The bill would make related changes, and would provide that participation of a corpsmember shall be for a

period of one year, which may be extended. The bill would require the California Conservation Corps to evaluate a community conservation corps to determine its eligibility for certification, after it has completed 12 months of continuous operation, and annually thereafter.

(2) Existing law requires the Department of Conservation, subject to the availability of funds, to annually expend specified amounts from funds in the California Beverage Container Recycling Fund, a continuously appropriated fund, in the form of grants to community conservation corps that meet specified criteria.

The bill would revise those criteria, ~~and make the funds designated for grants to eligible community conservation corps available upon annual appropriation by the Legislature.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 14507.5 of the Public Resources Code  
2 is amended to read:

3 14507.5. (a) “Community Conservation Corps” means a  
4 nonprofit public benefit corporation formed or operating pursuant  
5 to Part 2 (commencing with Section 5110) of Division 2 of Title  
6 1 of the Corporations Code, or an agency operated by ~~a city or~~  
7 ~~county~~ city, county, or city and county, that is certified by the  
8 California Conservation Corps as meeting all of the following  
9 criteria:

10 (1) The corps is organized in the form of supervised work  
11 crews and selects young men and women for participation on the  
12 basis of motivation for hard work, personal development, and  
13 public service, without regard to their prior employment or  
14 educational background, and consistent with Section 14402.  
15 Participation shall be for a period of one year, and may be  
16 extended.

17 (2) The corps’ program is based upon a highly disciplined  
18 work experience, includes an educational component, and is  
19 designed to develop corpsmembers’ character and civic  
20 consciousness through rigorous work on public projects. The  
21 educational component of the corps’ program includes  
22 enrollment in a vocational education program, public or charter  
23 high school, or postsecondary community college.

1 (3) The corps compensates corpsmembers at not less than the  
2 federal minimum wage, and provides corpsmembers assistance in  
3 obtaining permanent employment following their participation in  
4 the corps program.

5 (4) The corps engages in recycling and litter abatement  
6 projects as well as projects that accomplish the conservationist  
7 and other purposes described in subdivisions (a) to (h), inclusive,  
8 of Section 14300, and that assist agencies of local government  
9 and other nonprofit community organizations in developing,  
10 rehabilitating, and restoring parklands, recreational facilities, and  
11 other community resources.

12 (5) The corps consists of an average annual enrollment of not  
13 less than 50 corpsmembers between 18 and 25 years of age. In  
14 determining the average annual enrollment of a community  
15 conservation corps for the purposes of subdivision (a) of Section  
16 14581, the California Conservation Corps shall not include  
17 special corpsmembers, as described in Section 14303, who are  
18 employed by a community conservation corps.

19 (b) The California Conservation Corps shall evaluate a  
20 community conservation corps for the purpose of determining its  
21 eligibility for certification, pursuant to this section, after it has  
22 completed 12 months of continuous operation, and annually  
23 thereafter.

24 SEC. 2. Section 14581 of the Public Resources Code is  
25 amended to read:

26 14581. (a) Subject to the availability of funds, and pursuant  
27 to subdivision (c), the department shall expend the moneys set  
28 aside in the fund, pursuant to subdivision (c) of Section 14580,  
29 for the purposes of this section:

30 (1) (A) On and after July 1, 2004, to June 30, 2005, inclusive,  
31 up to thirty million dollars (\$30,000,000) may be expended for  
32 that fiscal year for the payment of handling fees pursuant to  
33 Section 14585.

34 (B) For each fiscal year commencing July 1, 2005, twenty-six  
35 million five hundred thousand dollars (\$26,500,000) shall be  
36 expended each fiscal year for the payment of handling fees  
37 required pursuant to Section 14585.

38 (2) Fifteen million dollars (\$15,000,000) shall be expended  
39 annually for payments for curbside programs and neighborhood  
40 dropoff programs pursuant to Section 14549.6.

(3) (A) Fifteen million dollars (\$15,000,000), plus the proportional share of the cost-of-living adjustment, as provided in subdivision (b), shall, ~~upon annual appropriation by the Legislature,~~ be expended annually in the form of grants for beverage container litter reduction programs and recycling programs issued to community conservation corps that are certified by the California Conservation Corps pursuant to Section 14507.5, and are designated by a city, ~~or county~~ *county*, *or city and county* to perform litter abatement, recycling, and related activities.

(B) Any grants provided pursuant to this paragraph shall not comprise more than 75 percent of the annual budget of a community conservation corps.

(C) Eligible activities for the use of these funds may include any of the following:

(i) Developing new projects to increase beverage container recycling volumes and consumer convenience.

(ii) Enhancing or assisting existing projects that increase beverage container recycling.

(iii) Increasing the awareness of beverage container recycling, litter prevention, and cleanup.

(iv) Performing beverage container litter abatement projects.

(4) (A) Ten million five hundred thousand dollars (\$10,500,000) may be expended annually for payments of five thousand dollars (\$5,000) to cities and ten thousand dollars (\$10,000) for payments to counties for beverage container recycling and litter cleanup activities, or the department may calculate the payments to counties and cities on a per capita basis, and may pay whichever amount is greater, for those activities.

(B) Eligible activities for the use of these funds may include, but are not necessarily limited to, support for new or existing curbside recycling programs, neighborhood dropoff recycling programs, public education promoting beverage container recycling, litter prevention, and cleanup, cooperative regional efforts among two or more cities or counties, or both, or other beverage container recycling programs.

(C) These funds may not be used for activities unrelated to beverage container recycling or litter reduction.

1 (D) To receive these funds, a city, county, or city and county  
2 shall fill out and return a funding request form to the Department  
3 of Conservation. The form shall specify the beverage container  
4 recycling or litter reduction activities for which the funds will be  
5 used.

6 (E) The Department of Conservation shall annually prepare  
7 and distribute a funding request form to each city, county, or city  
8 and county. The form shall specify the amount of beverage  
9 container recycling and litter cleanup funds for which the  
10 jurisdiction is eligible. The form shall not exceed one  
11 double-sided page in length, and may be submitted  
12 electronically. If a city, county, or city and county does not return  
13 the funding request form within 90 days of receipt of the form  
14 from the department, the city, county, or city and county is not  
15 eligible to receive the funds for that funding cycle.

16 (F) For the purposes of this paragraph, per capita population  
17 shall be based on the population of the incorporated area of a city  
18 or city and county and the unincorporated area of a county. The  
19 department may withhold payment to a city, county, or city and  
20 county that has prohibited the siting of a supermarket site, caused  
21 a supermarket site to close its business, or adopted a land use  
22 policy that restricts or prohibits the siting of a supermarket site  
23 within its jurisdiction.

24 (5) One million five hundred thousand dollars (\$1,500,000)  
25 may be expended annually in the form of grants for beverage  
26 container recycling and litter reduction programs.

27 (6) (A) The department shall expend the amount necessary to  
28 pay the processing payment and supplemental processing  
29 payment established pursuant to Sections 14575 and 14575.5 and  
30 pay processing fee rebates pursuant to Section 14575.2. The  
31 department shall establish separate processing fee accounts in the  
32 fund for each beverage container material type for which a  
33 processing payment and processing fee is calculated pursuant to  
34 Section 14575, or for which a processing payment is calculated  
35 pursuant to Section 14575 and a voluntary artificial scrap value is  
36 calculated pursuant to Section 14575.1, into which account shall  
37 be deposited all of the following:

38 (i) All amounts paid as processing fees for each beverage  
39 container material type pursuant to Section 14575.

(ii) Funds equal to the difference between the amount in clause (i) and the amount of the processing payments established in subdivision (b) of Section 14575, and adjusted pursuant to paragraphs (2) and (3) of subdivision (c) of, and subdivision (f) of, Section 14575, to reduce the processing fee to the level provided in subdivision (f) of Section 14575, or to reflect the agreement by a willing purchaser to pay a voluntary artificial scrap value pursuant to Section 14575.1.

(iii) Funds equal to an amount sufficient to pay the total amount of the supplemental processing payments established pursuant to Section 14575.5.

(B) Notwithstanding Section 13340 of the Government Code, the money in each processing fee account is hereby continuously appropriated to the department for expenditure without regard to fiscal years, for purposes of making processing payments and supplemental processing payments, and reducing processing fees, pursuant to Sections 14575 and 14575.5 and paying processing fee rebates pursuant to Section 14575.2.

(7) Up to five million dollars (\$5,000,000) may be annually expended by the department for the purposes of undertaking a statewide public education and information campaign aimed at promoting increased recycling of beverage containers.

(8) Up to three million dollars (\$3,000,000) shall be expended annually for the payment of quality glass incentive payments pursuant to Section 14549.1.

(9) Up to ten million dollars (\$10,000,000) may be expended annually by the department, until January 1, 2007, to issue grants for recycling market development and expansion-related activities aimed at increasing the recycling of beverage containers, including, but not limited to, the following:

(A) Research and development of collecting, sorting, processing, cleaning, or otherwise upgrading the market value of recycled beverage containers.

(B) Identification, development, and expansion of markets for recycled beverage containers.

(C) Research and development for products manufactured using recycled beverage containers.

(D) Payments to California manufacturers who recycle beverage containers that are marked by resin type identification code “3,” “4,” “5,” “6,” or “7,” pursuant to Section 18015.

1 (10) Up to ten million dollars (\$10,000,000) may be  
2 transferred on a one-time basis by the department to the  
3 Recycling Infrastructure Loan Guarantee Account, for  
4 expenditure pursuant to Section 14582.

5 (b) The fifteen million dollars (\$15,000,000) that is set aside  
6 pursuant to paragraph (3) of subdivision (a) is a base amount that  
7 the department shall adjust annually to reflect increases or  
8 decreases in the cost of living, as measured by the Department of  
9 Labor, or a successor agency, of the federal government.

10 (c) (1) The department shall review all funds on a quarterly  
11 basis to ensure that there are adequate funds to make the  
12 payments specified in this section and the processing fee  
13 reductions required pursuant to Section 14575.

14 (2) If the department determines, pursuant to a review made  
15 pursuant to paragraph (1), that there may be inadequate funds to  
16 pay the payments required by this section and the processing fee  
17 reductions required pursuant to Section 14575, the department  
18 shall immediately notify the appropriate policy and fiscal  
19 committees of the Legislature regarding the inadequacy.

20 (3) On or before 180 days after the notice is sent pursuant to  
21 paragraph (2), the department may reduce or eliminate  
22 expenditures, or both, from the funds as necessary, according to  
23 the procedure set forth in subdivision (d).

24 (d) If the department determines that there are insufficient  
25 funds to make the payments specified pursuant to this section and  
26 Section 14575, the department shall reduce all payments  
27 proportionally.

28 (e) Prior to making an expenditure pursuant to paragraph (7)  
29 of subdivision (a), the department shall convene an advisory  
30 committee consisting of representatives of the beverage industry,  
31 beverage container manufacturers, environmental organizations,  
32 the recycling industry, nonprofit organizations, and retailers, to  
33 advise the department on the most cost-effective and efficient  
34 method of the expenditure of the funds for that education and  
35 information campaign.